

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RODERICK GUNN,

:

Petitioner,

:

-against-

:

THE UNITED STATES OF AMERICA,

:

Respondent.

:

:

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WILLIAM H. PAULEY III, United States District Judge:

ORDER

14-CV-3228 (WHP)

06-CR-0911 (WHP)

On June 23, 2016, the Federal Defenders advised this Court that they intend to file a supplemental § 2255 petition asserting that Petitioner's convictions must be vacated because the Hobbs Act robbery and conspiracy on which they are predicated is not a "crime of violence." (ECF No. 26.) However, on August 3, 2016, the Second Circuit held that "Hobbs Act robbery is a crime of violence under 18 U.S.C. § 924(c)(3)." See United States v. Hill, --- F.3d ----, 2016 WL 4120667, at *1 (2d Cir. 2016); cf. also United States v. DiSomma, 951 F.2d 494, 496 (2d Cir. 1991) (finding, under analogous provision of Bail Reform Act, that conspiracy to commit Hobbs Act robbery "is a crime of violence"); United States v. Chimurenga, 760 F.2d 400, 403–04 (2d Cir. 1985) (finding, under Bail Reform Act, that "conspiracy to commit armed robbery is a 'crime of violence'").

Accordingly, the Federal Defenders shall advise this Court by September 7, 2016 whether they still intend to file a supplemental brief on Petitioner's behalf.

Dated: August 19, 2016
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.